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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/634,759

08/06/2003

Toshiyuki Sakuma

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06/12/2008

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

1800 DIAGONAL ROAD

SUITE 370

ALEXANDRIA, VA 22314

EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,759	Applicant(s) SAKUMA ET AL.	
	Examiner FAWAAD HAIDER	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following limitation in claim 1 appears to be ambiguous or wordy: "wherein the safety stock calculating means newly calculates a safety stock based upon the parameter such as standard deviation and the updated setting value each time the setting value is updated to update a current safety stock." The paragraph appears to be missing commas, or some words may be omitted.

3. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). This is found throughout claim 1 multiple times.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheer (2002/0161674) in view of Nagata (2002/0077979).

Re Claim 1: Scheer discloses comprising: demand predicting means for calculating a predicted value of a demand based on past actual demand information (see Abstract, [0004, 0026, 0192, 0197, 0216, 0233, 0239]); actual value retrieval means for retrieving an actual value of demand which is compared with the predicted demand value (see [0026, 0196, 0216]); predicted remainder calculating means for calculating a predicted remainder which is a difference between the predicted demand value and the actual value (see [0028, 0163, 0187, 0208]); parameter calculating means for calculating a parameter such as standard deviation by employing the predicted remainder (see [0184-0185, 0208, 0236-0238]); safety stock calculating means for calculating safety stock based upon said parameter (see [0024, 0039, 0132-0133, 0165, 0178, 0183, 0193, 0214, 0245]); input means for accepting setting or updating of a setting value such as a planning cycle, and at least one of a procurement lead time and a plan lead time (see [0004, 0034, 0036, 0165, 0179]), wherein the demand predicting means calculates planned demand value of a second past time period based on an actual demand value of a first past time period stored in the data storage means (see [0027-0029]). Scheer also discloses wherein the actual value retrieval means retrieves and totalizes actual demand values corresponding to the second past time period stored in the data storage means (see [0215]). Scheer discloses wherein the predicted

remainder calculating means calculates a predicted remainder, which is a difference between the planned demand value of the second past time period and the actual demand value of the second past time period (see [0028, 0163, 0187, 0208]). Scheer also discloses wherein the process is repeatedly performed as for different past time periods until a desired number of processes has been performed, wherein the parameter calculating means calculates a standard deviation based on the plurality of the samples of the predicted reminders obtained by the repeated calculation, and wherein the safety stock calculating means newly calculates a safety stock based upon the parameter such as standard deviation and the updated setting value each time the setting value is updated to update a current safety stock (see [0024, 0039, 0132-0133, 0245]).

The examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose wherein a process is performed in which the demand predicting means calculates a planned demand value of a third past time period stored in the data storage means which is different from the first past time period, the actual value retrieval means retrieves and totalizes actual demand value corresponding to the fourth past time period, and the predicted remainder calculating means calculates a predicted reminder from the planned demand value of the fourth past time period and the actual demand value of the fourth past time period to obtain a new sample of the predicted reminder. This is merely repeating the process above.

Scheer fails to disclose a data storage means. However, Nagata discloses a data storage means storing therein in time sequence the respective setting values and the actual demand information at every unit time period from a past time to a present time (see [0179, 0270-0272, 0278-0279, 0326]). It would have been obvious to modify Scheer's invention with Nagata's disclosure of a data storage means in order to make an access to a management table for storing therein data (see [0038]).

Re Claim 20: The examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose wherein each of the stored second and fourth past time periods is a time period substantially same as a planned range which is a sum of the planning cycle, the procurement lead time, and the plan lead time.

Response to Arguments

6. Applicant's arguments filed 2/28/2008 have been fully considered but they are not persuasive. The applicant argues that Scheer and Nagata do not teach or suggest a method of newly calculating the safety stock based upon a parameter such as standard deviation and the updated setting value each time the setting value is updated to update a current safety stock. In Scheer, it is disclosed that "... supplies will become the basis for subsequent prediction... replacing safety stock levels throughout the supply chain (see Scheer [0245])." Then, in [0132-0133], Scheer discusses replenishing customer safety stock inventory if the customer had to use inventory in the maintenance task, a possible setting value.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Fawaad Haider
Examiner
Art Unit 3627

FIH